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5  
6 IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 ANASTASIA ALLEN, and all others ) Case No.:  
similarly situated, )  
8 ) COMPLAINT – CLASS ACTION  
Plaintiffs, )  
9 ) JURY DEMANDED  
vs. )  
10 )  
ABSOLUTE RESOLUTIONS )  
11 CORPORATION, a California )  
corporation, )  
12 Defendant. )

13 I. INTRODUCTION

14 Plaintiff Anastasia Allen (formerly Anastasia Howard-Brockie) brings this  
15 class action complaint, by and through her undersigned counsel, against Defendant  
16 Absolute Resolutions Corporation, individually and on behalf of a class of all others  
17 similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure.

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21 COMPLAINT - 1

## II. JURISDICTION AND VENUE

2.1 The Court has jurisdiction over this class action under 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. § 1367(a).

2.2 Venue is proper in this judicial district pursuant to 28 U.S.C. § 1291(b)(2).

## III. NATURE OF THE ACTION

3.1 Plaintiffs bring this class action for damages for Defendant's actions of using unfair and unconscionable means to collect a debt.

3.2 Defendant's actions violated § 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

3.3 Plaintiffs seek damages, declaratory, and injunctive relief.

## IV. PARTIES

4.1 Plaintiffs are natural persons and residents of the state of Washington and are "Consumers" as defined by 15 U.S.C § 1692(a)(3).

4.2 Defendant Absolute Resolutions Corporation is a collection agency with its principal place of business located at 1455 Frazee Rd, Ste 550, San Diego, CA 92108. Upon information and belief, ABSOLUTE is a

1 company that uses the mail, telephone, and facsimile and regularly  
2 engages in business with a principal purpose to attempt to collect debts  
3 alleged to be due to another.

4 4.3 Defendant Absolute is a “debt collector,” as defined under the FDCPA  
5 under 15 U.S.C § 1692a(6).

## 6 V. CLASS ACTION ALLEGATIONS

7 5.1 Plaintiff’s bring this claim on behalf of the following classes, pursuant  
8 to Fed. R. Civ. P. 23(a) and 23(b)(3).

9 5.2 The Class consists of:

- 10 (a) all individuals with addresses in the state of Washington;
- 11 (b) who were sued by Defendant in a Washington superior court;
- 12 (c) in a lawsuit that could have been commenced in a Washington  
13 county district court;
- 14 (d) Where the complaint requested an award of attorney’s fees  
15 pursuant to RCW 4.84.080.

16 5.3 The identities of all class members are readily ascertainable from the  
17 records of Defendant and those companies and entities on whose behalf  
18 they attempt to collect and/or have purchased debts.

19 5.4 Excluded from the Class is the Defendant and all officers, members,  
20 partners, managers, directors, and employees of the Defendant and their

1           respective immediate families, and legal counsel for all parties to this  
2           action and all members of their immediate families.

3           5.5   This action has been brought, and may properly be maintained, as a  
4           class action pursuant to the provisions of Rule 23 of the Federal Rules  
5           of Civil Procedure, because there is a well-defined community interest  
6           in the litigation:

7           (a)   **Numerosity:** The Plaintiffs are informed and believe, and on that  
8           basis, allege that the Class defined above is so numerous that  
9           joinder of all members would be impractical.

10          (b)   **Common Questions Predominate:** Common questions of law  
11          and fact exist as to all members of the Class and those questions  
12          predominate over any questions or issues involving only  
13          individual class members. The principal issue is whether the  
14          Defendant's request for statutory attorney's fees pursuant to  
15          RCW 4.84.0780 violates 15 U.S.C §§ 1692e and/or f.

16          (c)   **Typicality:** The Plaintiffs' claims are typical of the claims of the  
17          class members. The Plaintiffs and all members of the Plaintiff  
18          Class have claims arising out of the Defendant's common  
19          uniform course of conduct complained of herein.

1 (d) **Adequacy:** The Plaintiff will fairly and adequately protect the  
2 interests of the class members insofar as Plaintiff has no interests  
3 that are averse to the absent class members. The Plaintiff is  
4 committed to vigorously litigating this matter. Plaintiff has also  
5 retained counsel experienced in handling consumer lawsuits,  
6 complex legal issues, and class actions. Neither the Plaintiffs nor  
7 their counsel have any interests which might cause them not to  
8 vigorously pursue the instant class action lawsuit.

9 (e) **Superiority:** A class action is superior to the other available  
10 means for the fair and efficient adjudication of this controversy  
11 because individual joinder of all members would be  
12 impracticable. Class action treatment will permit a large number  
13 of similarly situated persons to prosecute their common claims  
14 in a single forum efficiently and without unnecessary duplication  
15 of effort and expense that individual's actions would engender.

16 5.6 Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil  
17 Procedure is also appropriate in that the questions of law and fact  
18 common to members of the Class predominate over any questions  
19 affecting an individual member, and a class action is superior to other

1 available methods for the fair and efficient adjudication of the  
2 controversy.

3 5.7 The class period is the one year preceding the filing of this case, where  
4 Defendant either served or filed any superior court lawsuit, through the  
5 date that the class is certified.

6 VI. PLAINTIFF ALLEN'S ALLEGATIONS OF FACT

7 6.1 Plaintiff repeats, reiterates, and incorporates the allegations contained  
8 in paragraphs above herein with the same force and effect as if the same  
9 were set forth at length herein.

10 6.2 On February 13, 2018, Defendant served Ms. Allen with an unfiled  
11 Spokane County Superior Court summons and complaint.

12 6.3 Defendant's unfiled complaint contained a request for attorney's fees  
13 pursuant to RCW 4.84.080.

14 6.4 RCW 4.84.080 states in relevant part: "When allowed to either party,  
15 **costs to be called the attorney fee**, shall be as follows: (1) In all actions  
16 where judgment is rendered, two hundred dollars." (emphasis added)

17 6.5 The total principal amount requested in Defendant's complaint was one  
18 thousand one hundred forty dollars and seventy-six cents (\$1,140.76).

19 6.6 At all times relevant to this action, the jurisdictional limit of all  
20 Washington district courts has been \$100,000.00.

1       6.7    Defendant’s complaint does not seek relief of any kind, which is outside  
2            the jurisdiction of the Washington district courts.

3       6.8    RCW 4.84.030 states in relevant part: “the plaintiff shall in no case be  
4            entitled to costs taxed as attorneys' fees in actions within the jurisdiction  
5            of the district court when commenced in the superior court.”

6       6.9    Washington law prohibits Defendant from seeking RCW 4.84.080  
7            attorney’s fees for cases within the jurisdiction of the county district  
8            courts.

9       6.10   Defendant is not entitled to an award of RCW 4.84.080 attorney’s fees  
10           in the lawsuit filed against Plaintiff in the Spokane County Superior  
11           Court.

12       6.11   Defendant has requested RCW 4.84.080 attorney’s fees in Washington  
13           Superior Court cases more than 100 times in the one year preceding the  
14           filing of this action.

15       6.12   Defendant has requested RCW 4.84.080 attorney’s fees in Washington  
16           Superior Court cases more than 200 times in the one year preceding the  
17           filing of this action.

18       6.13   Defendant’s request for RCW 4.84.080 attorney’s fees is a static field  
19           in the form complaints filed by Defendant’s attorney, Mandarich Law  
20           Group, in the state of Washington.

VII. CAUSE OF ACTION  
Violations of the Fair Debt Collection Practices Act  
15 U.S.C §1692e *et seq.*

7.1 Plaintiff repeat, reiterate, and incorporate the allegations contained in the paragraphs above herein with the same force and effect as if the same were set forth at length herein.

7.2 Defendant attempted to collect attorney's fees pursuant to RCW 4.84.080.

7.3 Defendant is not entitled to attorney's fees under RCW 4.84.080 when it files actions in the Washington Superior Courts, which could have been filed in Washington county district courts.

7.4 Attempting to collect fees to which it is not entitled is misleading to the least sophisticated consumer.

7.5 Defendant's improper request for attorney's fees is material because it may impact how a consumer chooses to respond to a lawsuit.

7.6 Defendant's improper request for attorney's fees constitutes a concrete informational injury that is particularized to the state-court defendant who receives the lawsuit.

7.7 Defendant's debt collection effort violated section 15 U.S.C. § 1692e of the FDCPA, which prohibits any false, deceptive, or misleading representation by a debt collector



1       7.8    The Defendant violated said provision by falsely representing its  
2            entitlement to statutory attorney's fees, thereby using deceptive and  
3            misleading means to collect or attempt to collect any debt in violation  
4            of 15 U.S.C §1692e(10).

5       7.9    Defendant's request for RCW 4.84.080 attorney's fees is unfair and,  
6            therefore, in violation of 15 U.S.C. § 1692f.

7       7.10   Defendant violated 15 U.S.C. § 1692f(1) by collecting and attempting  
8            to collect "any amount (including any interest, **fee**, charge, or expense  
9            incidental to the principal obligation) unless such amount is expressly  
10           authorized by the agreement creating the debt or permitted by law."  
11           (emphasis added)

12       7.11   By reason thereof, Defendant is liable to Plaintiffs for judgment that  
13            Defendant's conduct violated §1692e and f of the FDCPA, statutory  
14            damages, costs and attorney's fees.

#### 15                               VIII. PRAYER FOR RELIEF

16       WHEREFORE, Plaintiffs demand judgment against Defendant as follows:

17       8.1    Declaring that this action is properly maintainable as a Class action and  
18            certifying Plaintiff as Class representative and Kirk D. Miller as Class  
19            Counsel;

20       8.2    Awarding Plaintiffs and the Class statutory damages;

